# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

K-5 REALTY, LLC, a Florida corporation,	)
Plaintiff,	) ) Case No.: 08 C 1400
v.  CONTRIBUTED MUTUAL BENEFITS  MORTCA CE SERVICES, INC. on Illinois	) Honorable Judge Charles R. Norgle ) Magistrate Judge Brown
MORTGAGE SERVICES, INC., an Illinois corporation, and CHARLES CHRISTIAN, individually,	) JURY DEMAND
Defendants.	Ś

### **RE-NOTICE OF MOTION**

To: David Thaddeus Grisamore
Law Offices of David T. Grisamore
53 W. Jackson Blvd.
Suite 1643
Chicago, IL 60604
dgriz67@sbcglobal.net

PLEASE TAKE NOTICE that on the 20th day of June, 2008, at 10:30 a.m. or as soon thereafter as this Motion may be heard, I shall appear before the Honorable Judge Charles R. Norgle or any Judge sitting in his stead, in room 2341 of the Dirksen Federal Building, and there and there present Plaintiff's **Motion to Determine Whether to File Exhibits Under Seal** (previously filed as Docket Entry No. 8 and attached hereto), and request a hearing *instanter* thereon.

Respectfully submitted,

K-5 REALTY, LLC, Plaintiff

By: s/ Gregg I. Minkow

One of its Attorneys

Gregg I. Minkow Laurie S. Randolph Hinshaw & Culbertson LLP 222 N. LaSalle, Suite 300 Chicago, IL 60601 312-704-3000 ARDC No. 6181058

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## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

K-5 REALTY, LLC, a Florida limited liability company,	}
Plaintiff,	) Case No. 08 C 1400
v.  CONTRIBUTED MUTUAL BENEFITS  MORTGAGE SERVICES, INC., an Illinois  corporation, and CHARLES CHRISTIAN,  individually,	) Honorable Judge Charles Norgle ) Magistrate Judge Brown ) JURY DEMANDED
Defendants.	<b>'</b>

#### MOTION TO DETERMINE WHETHER TO FILE EXHIBITS UNDER SEAL

The Plaintiff, K-5 REALTY, LLC, by its attorney, Gregg Minkow of Hinshaw & Culbertson LLP, prays for an order determining whether Exhibits B and C to the Complaint, also forming Exhibits C and D to the Plaintiff's Motion for Prejudgment Attachment Order, Preliminary Injunction, Accelerated Discovery, or Other Relief, must be filed under seal, and in support thereof states as follows:

- 1. Exhibits B and C to the Complaint, which also form Exhibits C and D to the above-referenced Motion, are contract documents entered into by the Plaintiff and the corporate Defendant, and are marked "confidential."
- 2. Since the documents themselves do not indicate when any confidential status would cease, as a courtesy to the Defendant, the Plaintiff withheld copies of the aforesaid exhibits from the Complaint and Motion when they were filed, but included them in courtesy copies and service copies of the Motion given to the Plaintiff and the Court.
- 3. Plaintiff does not seek to file these documents under seal. However, Plaintiff brings this Motion for determination as to whether those documents should, in fact, be filed under seal, in order to give the Defendants an opportunity to seek such relief if they see fit.

WHEREFORE, Plaintiff asks the Court to determine whether the above-referenced exhibits to the Complaint and Motion should be filed under seal or whether, instead, they me be appended *instanter* to the filed Complaint and Motion.

Respectfully submitted,

K-5 REALTY, LLC, a Florida limited liability company, Plaintiff

By: s/ Gregg I. Minkow
One of its Attorneys

Gregg I. Minkow Laurie S. Randolph Hinshaw & Culbertson LLP 222 N. LaSalle, Suite 300 Chicago, IL 60601 312-704-3000 ARDC No. 6181058

E-mail: gminkow@hinshawlaw.com

#### **CERTIFICATE OF SERVICE**

I hereby certify that on March 18, 2008, I electronically filed **Motion to Determine** Whether to File Exhibits Under Seal with the Clerk of the U.S. District Court, Northern District of Illinois, Eastern Division, using the CM/ECF system. Notification of such filings(s) was sent via Hand Delivery and UPS Overnight Delivery and electronic mail to the following:

Charles Christian, as President on behalf of Contributed Mutual Benefits Mortgage Services, Inc. 8655 E. Via Del Ventura, Suite G-200 Scottsdale, AZ 85258

Charles Christian, individually 8655 E. Via Del Ventura, Suite G-200 Scottsdale, AZ 85258

HINSHAW & CULBERTSON LLP

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